

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In the Matter of the Arbitration Between	:	Civil Action No. 1:23-cv-00223
ACORDA THERAPEUTICS, INC.,	:	
<i>Petitioner,</i>	:	
v.	:	
ALKERMES PLC,	:	
<i>Respondent.</i>	:	
	:	
	:	
	:	

**DECLARATION OF LOUIS L. LOBEL IN SUPPORT OF RESPONDENT'S
OPPOSITION TO PETITION TO MODIFY AND CONFIRM ARBITRAL AWARD AND
CROSS-MOTION TO CONFIRM ARBITRAL AWARD**

I, Louis L. Lobel, hereby declare as follows:

1. I am an attorney duly admitted to practice in Massachusetts. I am an associate at Goodwin Procter LLP, counsel to Respondent, Alkermes PLC, ("Alkermes" or "Respondent"). I have personal knowledge of the facts set forth herein, and could and would testify to them if called upon to do so.

2. This declaration is provided in support of Respondent's Opposition to Petition to Modify and Confirm Arbitral Award and Cross-Motion to Confirm Arbitral Award.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Alkermes's Pre-hearing Memorandum, dated May 24, 2022, in an arbitration between Acorda Therapeutics, Inc. ("Acorda") and Alkermes, captioned *Acorda Pharmaceuticals, Inc. v. Alkermes PLC*, Case No. 01-20-0010-8421.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Amended Answering Statement and Counterclaims by Respondent Alkermes PLC, dated October 1, 2020.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Letter No. 2 by Respondent Alkermes Requesting Permission to File Motion to Dismiss Acorda's Claims Seeking a Refund, dated February 23, 2021, without attached exhibits.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Acorda's Response to Alkermes's Letter No. 2 re Dismissal of Refund Claims, dated February 26, 2021, without attached exhibits.

7. Attached hereto as **Exhibit 5** is a true and correct copy of Alkermes's Memorandum in Support of its Motion for Summary Judgment on Acorda's Claims III, IV, V, and VIII, dated October 15, 2021.

8. Attached hereto as **Exhibit 6** is a true and correct copy of Acorda's Motion for Summary Judgment on: (1) Alkermes's Unlawful Monopolization and (2) The Availability of Contract and Quasi-Contract Damages for Alkermes's Breaches, dated October 15, 2021.

9. Attached hereto as **Exhibit 7** is a true and correct copy of Acorda Therapeutics, Inc.'s Post-hearing Brief, dated July 29, 2022.

10. Attached hereto as **Exhibit 8** is a true and correct copy of Alkermes's Memorandum in Support of its Motion in Limine to Preclude Acorda from Introducing Any Evidence, Testimony or Arguments Regarding Damages Related to Supply Price, dated April 22, 2022.

Dated: February 8, 2023

/s/ Louis L. Lobel
Louis L. Lobel